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FACSIMILE COVER SHEET

The Law Offices of

STRAUB & POKOTYLO

788 Shrewsbury Ave. Tinton Falls, NJ 07724

Telephone: 732-936-1400 Facsimile: 732-936-1401 Internet site: www.sp-ip.com

To: U.S. Patent and Trademark Office

Facsimile No.: (571) 273-8300

From: John C. Pokotylo, Esq.

Date: May 20, 2008

Number of Pages Including Cover: 40

MESSAGE: FORMAL SUBMISSION OF:

- 1) Transmittal (1 pg.);
- 2) Fee transmittal (1 pg.) (in duplicate);
- 3) Petition to Withdraw the Holding of Abandonment (4 pgs.);
- 4) A true copy of the originally filed response (28 pgs.);
- 5) A true copy of a properly itemized date-stamped postcard receipt (1 pg.); and
- 6) A copy of the Interview Summary (3 pgs.)

Attorney Docket No.: Google-54 (GP-064-06-US)

Appl. No.: 10/634,501

Applicants: Darrell ANDERSON, et al.

Filed: August 5, 2003

Title: SERVING CONTENT-RELEVANT ADVERTISEMENTS WITH CLIENT-SIDE DEVICE

SUPPORT

TC/A.U.: 2164

Examiner: Sana A. Al Hashemi

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification

Signature

May 20, 2008

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•			Application Number	10/634,501			
TRAN	SMITTA	L	Filing Date	August 5, 2003			
F	ORM		First Named Inventor	Darrell ANDERSON			
(to be used for all corre	ıt filing)	Group Art Unit	2164				
			Examiner Name	Sana A. Al Hashemi			
Total Number of Page	s in This Submission		Attorney Docket Number	Google-54 (GP-064-06-US)			
		ENCL	OSURES (check a	ill that apply)			
Fee Transmittal Form			ent Papers pplication)	After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences			
Amendment / Reply		_	g-related Papers	Appeal Communication to Group			
After Final		Petition		(Appeal Notice, Brief, Reply Brief) Proprietary Information			
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	SIGNATURE C	F APPLI	CANT, ATTORNEY, OR A	GENT			
Firm or Individual name	nn C. Pokotylo						
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Date May	20, 2008						
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I hereby certify that this correspon and Trademark Office on this date	ndence is being facsin e:	nlle transm	itted to the United States Pate	ents May 20, 2008			
Typed or printed name	John C. Pokotylo	\bigcirc	1				
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Burden Hour Statement: This form is estimated if take 0.2 hours to complete. Tithe will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of Information Is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: Google-54 (GP-064-06-US)

Appl. No.: 10/634,501

Applicants: Darrell ANDERSON, et al.

Filed: August 5, 2003

Title: SERVING CONTENT-RELEVANT ADVERTISEMENTS WITH CLIENT-

SIDE DEVICE SUPPORT

TC/A.U.: 2164

Examiner: Sana A. Al Hashemi

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)

Sir:

Further to the "Notice of Abandonment" mailed on May 7, 2008 (Paper No. 20080505), the applicants respectfully request reconsideration of the holding of abandonment via this petition. Enclosed are:

- (1) a true copy of the originally filed response;
- (2) a true copy of a properly itemized date-stamped postcard receipt; and
- (3) a true copy of an Interview Summary mailed on February 9, 2007.

The Notice of Abandonment states that the applicants failed to timely file a proper reply to the Office letter mailed on 10 February 2006. However, a response was in fact filed on August 10, 2006 together with a petition for a three-month extension of time (copy enclosed). Indeed, this filing is included in the private PAIRS system. Accordingly, this application should not have been abandoned.

The applicants note that on October 30, 2006, Examiner Rimell mailed a paper which indicated that the reply filed on August 10, 2006 (received on August 14, 2006) was not fully responsive because (1) no arguments were presented for the patentability of independent claim 54, and (2) amendments to claims 29 and 30 may be missing text.

During a telephone interview between the undersigned and Examiner Rimell on February 5, 2007, the undersigned explained, to the Examiner's satisfaction, that the response filed on August 10, 2006 (received on August 14, 2006) addressed claim 54 on page 17, and that claims 29 and 30 were clear since the phrase objected to ("the act of submitting a request submits a request...") referred back to act (b) of claim 13 which recited "submitting, by the client device, a request for at least one content-relevant ad to the content-relevant ad server." Consequently, the undersigned indicated that the paper mailed on October 30, 2006 was inappropriate. Examiner Rimell agreed, and noted that he would vacate the paper mailed on October 30, 2006 and resume prosecution. This

agreement is reflected in the Interview Summary mailed on February 9, 2007 which states, "Examiner agreed to vacate notice of informality of 10/30/06. Office action on the merits will be forthcoming. [Emphasis added.]"

In view of the foregoing, the applicants respectfully submit that the Abandonment of this application be withdrawn.

In a telephone call from Examiner Al Hashemi on May 5, 2008, the undersigned was informed that the US Patent Office was going to abandon this application. The undersigned explained it was his recollection that the US Patent Office was to resume its handling of this application ("that the ball was in the US PTO's court"). Examiner Al Hashemi explained that she understood, but that the US Patent Office had to send a Notice of Abandonment as a matter of law since six months expired since the last communication from the US PTO (the February 9, 2007 Interview Summary).

Conclusion

In view of the foregoing, the applicants respectfully submit that the abandonment of this application was improper, request that it be withdrawn, and further request Examination of the application to be resumed by the US Patent Office responsive to the response filed on August 10, 2006 (received on August 14, 2006).

The applicants believe that no fee is due. However, in the event that a fee is due in order to have this petition considered, the Patent Office is authorized to charge said fee to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

Respectfully submitted,

May 20, 2008

John C. Pokotylo, Attorney

Reg. No. 36,242

Tel.: (732) 936-1400

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification

Signature

May 20, 2008

Date

Serial No.: 10/634,501 Attorney Docket No.: Google-54 (GP-064-06-US) of Time (2 pgs.), an Amendment acknowledgement of receipt by the PTO on the date indicated the amount of \$1,020.00, for filing as follows: below of: a transmittal (1 pg.), a fee transmittal (1 pg.) Trademark Office, this postcard will be taken as an When stamped by the mailroom of the U.S. Patent and Applicants: (in duplicate), a Request for a three (3) Month Extension Darrell ANDERSON, Filed: August 5, et al (21 pgs.), and a check in 2003

alls, N.J. 07724-3260 Iding B, 2nd Floor eunevA notniT 0 AUB & POKOTYLO

Serial No.: 10/634,501

Applicants:

Title:

Attorney Docket No.: Google-54 (GP-064-06-US)

Darrell ANDERSON,

"SERVING CONTENT-RELEVANT ADVERTISEMENTS WITH

Filed: August 5,

2003

CLIENT-SIDE DEVICE SUPPORT"



"SERVING CONTENT-RELEVANT ADVERTISEMENTS WITH

Date of Mailing: August

10,

2006

(JCP/cb)

Title:

CLIENT-SIDE DEVICE SUPPORT"

of Time (2 pgs.), an Amendment (21 pgs.), and a check in acknowledgement of receipt by the PTO on the date indica the amount of \$1,020.00, for filing as follows: below of: a transmittal (1 pg.), Trademark Office, this postcard will be taken as an When stamped by the mailroom of the U.S. (in duplicate), a Request for a three (3) Month Extension a fee transmittal (1 pg.; Patent and

When stamped by the mailroom of the U.S. Patent and Trademark Office, this postcard will be taken as an acknowledgement of receipt by the PTO on the date indicated below of: a transmittal (1 pg.), a fee transmittal (1 pg.) (in duplicate), a Request for a three (3) Month Extension of Time (2 pgs.), an Amendment (21 pgs.), and a check in the amount of \$1,020.00, for filing as follows:

Applicants: Darrell ANDERSON, et al

Attorney Docket No.: Google-54 (GP-064-06-US)

Serial No.: 10/634,501 Filed: August 5, 2003 Title: "SERVING CONTENT-RELEVANT ADVERTISEMENTS WITH

CLIENT-SIDE DEVICE SUPPORT"

Date of Mailing: August 10, 2006 (JCP/cb)

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STRAUB & POKOTYL

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Application Number 10/634,501 TRANSMITTAL Filing Date August 5, 2003 **FORM** First Named Inventor Darrell ANDERSON (to be used for all correspondence after initial filing) Group Art Unit 2168 Samuel G. Rimell Examiner Name Total Number of Pages In This Submission Attorney Docket Number Google-54 (GP-064-06-US) **ENCLOSURES** (check all that apply) Assignment Papers (for an Application) After Allowance Communication Fee Transmittal Form to Group Appeal Communication to Board Fee Attached Drawing(s) of Appeals and Interferences Appeal Communication to Group Amendment / Reply Licensing-related Papers (Appeal Notice, Brist, Reply Brief) After Final Petition Proprietary Information Petition to Convert to a Affidavits/declaration(s) Provisional Application Status Letter Power of Attorney, Revocation Change of Correspondence Extension of Time Request Postcard Receipt Address Other Enclosure(s) (please Terminal Disclaimer Identify below): Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1,52 or 1,53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm John C. Pokotylo (Reg. No. 36,242) Individual name Signature Date August 10, 2006 CERTIFICATE OF MAILING Thereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: August 10, 2006

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Date | August 10, 2006

John C. Pokotylo

Mm

Typed or printed name

Signature

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Modified PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

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2. EXTRA C	CLAIM	tttS		AND REISSUE Fee from below Fee Paid		1,400	2501	700	Utility i	issue fe	a (or reissue)		
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Large Entity	Small i	Entity			1806	180	1806	180		-	e under 37 Cl Lintermation	Disclosure Stmt	
Fee Fee Code (\$)	Fee Code		Fee Descripti	<u>on</u>	8021	40	8021	40			ch patent ass	1	}
1202 50	2202		Claims in excess of	20					proper	rty (time:	s number of p	roperties)	
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1203 360	2203	180 N	Aultiple dependen	t claim, if not paid	1810	790	2810	395			lional invention		
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SUBMITTED E		Ich-	C. Dolestel		D	egistratio	nn Nn	26	242	- 1	(Complete (if	applicable) (732) 542-907	,
Name (Print/Type	,	1,000	C. Pokotylo	() i T/		tomevlA		36,2	242		Telephone :		
Signature			Jilm (6	VI WIN						ı	Date	August 10, 2	:006

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1,17 and 1,27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Ú.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

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MAY 2 0 2008

Modified PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

EEE TO A NOMITTA		L	Complete if Known						
FEE TRANSMITTA	L	App	licatio						
for FY 2006		Filir	g Date)	Au	igust 5, 2003			
Effective 12/08/2004. Patent fees are subject to annual revision.		First Named Inventor				rrell ANDERSON	· -		
	Exa	miner i	Name	Sai	muel G. Rimell				
Applicant claims small entity status. See 37 CFR 1.27	-	Art I	Unit		216	58			
TOTAL AMOUNT OF PAYMENT (\$) 1,020.00		Atto	mey D	ocket l	No. Go	ogle-54 (GP-064-06-US)			
METHOD OF PAYMENT (check all that apply)				FE	E CALCU	JLATION (continued)			
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The Commissioner is authorized to: (check all that apply)	1	130	1053	130	-	h specification			
☑Charge any underpayment of ☑ Credit any overpayments fee(s) indicated below	ſ	2,520	ı	2,520	-	request for ex parte reexamination	 		
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☐ Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting Examiner a	g publication of SIR after action			
FEE CALCULATION	1251		2251	60	Extension for	or reply within first month			
1. BASIC FILING, SEARCH & EXAMINATION FEES	1252		2252	225	Extension for	or reply within second month			
Large Entity Small Entity Fee Fee Fee Description Fee Paid	1253	•	2253	510		or reply within third month	1,020.00		
(\$) (\$)	1254		2254	795		or reply within fourth month			
1000 500 Utility fee	1255			1,080		or reply within lifth month			
430 215 Design fee	1401		2401	250	Notice of Ap	'			
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501 1	é	2501	700		fee (or reissue)			
Extra Claims Fee from Fee Paid below Fee Paid Total Claims 82 -82** = 0 x 50.00 = 00.00	1502	800	2502	400	Design issu	ue fee			
Independent	1503 1	,100	2503	550	Plant issue	fee			
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·	1807	50	1807	50	Processing (fee under 37 CFR 1.17(c)			
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Code (\$) Code (\$) 1202 50 2202 25 Claims in excess of 20	8021	40	8021	40	Recording e	each patent assignment per les number of properties)			
1202 50 2202 25 Claims in excess of 20 1201 200 2201 100 Independent claims in excess of 3	1809	790	2809	395	Filing a sub	mission after final rejection			
1203 360 2203 180 Multiple dependent claim, if not paid	1810	790	2810	395	(37 CFR 1.12	ditional invention to be	- 11		
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and over original patent	1002	300		JUU	of a design a	expedited examination pplication			
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**or number previously paid, if greater, For Reissues, see above	" Reduc	ed by E	Basic Fili	ng Fee	Paid	SUBTOTAL (3) (\$) 1,020.0	00		
SUBMITTED BY						(Complete (if applicable)	====		
Name (Print/Type) John C. Pokotylo : Tr		gistralion meviAnd		36,2	42	Telephone (732) 542-9070			
Signature July 6 NEW	Initi				· · · · ·	Date August 10, 20	006		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: Google-54 (GP-064-06-US)

Applicant: Darrell ANDERSON, et. al.

Serial No.: 10/634,501

Filing Date: August 5, 2003

Title: SERVING CONTENT-RELEVANT ADVERTISEMENTS WITH

CLIENT-SIDE DEVICE SUPPORT

Examiner: Samuel G. Rimell

Group Art Unit: 2168

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

REQUEST FOR A THREE (3) MONTH EXTENSION OF TIME

In response to the Office Action mailed on February 10, 2006, which set a time for response to expire on May 10, 2006, please extend that period three (3) months to expire on August 10, 2006. The fee of \$ 1,020.00 has been included with the check filed herewith.

Respectfully submitted,

August 10, 2006

John C. Pokotylo, Attorney

Reg. No. 36,242 Customer No. 26479

(732) 542-9070

STRAUB & POKOTYLO 620 Tinton Avenue Bldg. B, 2nd Floor Tinton Falls, NJ 07724-3260

CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on August 10, 2006 with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

John C. Pokotylo

36,242 Reg. No.